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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,157	05/18/2000	Cary Lee Bates	ROC920000066	6988
46797 7590 01/14/2008 IBM CORPORATION, INTELLECTUAL PROPERTY LAW DEPT 917, BLDG. 006-1 3605 HIGHWAY 52 NORTH ROCHESTER, MN 55901-7829				
			EXAMINER HUYNH, BA	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARY LEE BATES, MAHDAD MAJD,
and JOHN MATTHEW SANTOSUOSSO

Appeal 2007-3114
Application 09/574,157
Technology Center 2100

Decided: January 14, 2008

Before HOWARD B. BLANKENSHIP, JAY P. LUCAS, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. §§ 6(b), 134(a) from the final rejection of claims 5-9, 11, and 21-31.

Representative claim 5 reads as follows:

5. A method for rendering Web pages to be displayed on a networked client display device on the basis of prior user interaction with the Web pages, the method comprising:

for each of a plurality of Web pages having different network addresses:

receiving a user request to view the Web page;

in response to the user request, retrieving, through a network connection, the Web page according to a respective network address;

determining if an entry associated with the Web page exists in a data structure residing on the networked client display device, the entry including at least a user interaction field;

if the entry exists, determining if the user interaction field appears on the Web page; and

if the user interaction field appears on the Web page, rendering the page in a manner that repositions the user interaction field from an unviewable area of the networked client display device to a viewable area of the networked display device and positioning a portion of the page outside the viewable area of the networked display device, thereby eliminating a user of the networked client display device from having to reposition the page to bring the user interaction field into the viewable area; wherein the rendering step includes automatically scrolling the Web page to a location within the Web page where the user can scroll the Web page upwards to bring the portion of the page previously positioned outside the viewable area into the viewable area.

The following reference is relied upon as evidence of obviousness:

Hekmatpour	5,799,292	Aug. 25, 1998
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All the appealed claims are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hekmatpour. Claims 1-4, 10, and 12-20 have been canceled.

The Specification teaches two distinct ways for rendering Web pages in order to reduce or eliminate the requirement that a user scroll a Web page when displayed. One way is by re-arranging elements of a Web page before display (e.g., Spec. 12:14-20). The other is by re-positioning (i.e., scrolling) the Web page itself before display (e.g., Spec. 13:24-30). Although the operations are distinct (e.g., Spec. 13:31 - 14:4), the operations could be combined (*id.*).

Appellants appear to acknowledge that Hekmatpour teaches re-arranging elements of a Web page before display. The § 103(a) rejection appears based, however, on the view that the instant claims are sufficiently broad to read on the re-arranging of elements as described by Hekmatpour.

We agree with Appellants that, substantially for the reasons expressed in the briefs, the claims distinguish over the methods described by Hekmatpour by virtue of being limited to requiring “re-positioning,” and not so broad as to require no more than embodiments directed to “re-arranging elements.”

Instant claim 5, for example, requires that if the user interaction field appears on the Web page, rendering the page in a manner that repositions the user interaction field from an unviewable area to a viewable area, wherein the rendering step includes automatically scrolling *the Web page* to a location within the Web page where the user can scroll the page upwards to bring the portion of the page previously positioned outside the viewable area into the viewable area. Claim 11 recites similar language with respect to a second user interaction field, and repositioning *the Web page* relative to the

display screen. Claim 21 requires that the rendering comprises positioning *the Web page* so that at least one page element is moved from an unviewable position to a viewable position, with the Web page being positioned such that a user can scroll the Web page upwards to bring the top portion into the viewable portion on the display. Claim 26 requires rendering the electronic document to the display by positioning *the Web page* according to user interaction data so that an element is moved from an unviewable position into a viewable area of the display.

In our view, each of the independent claims includes the feature of automatic repositioning or scrolling of *the Web page* itself, which we do not find to be disclosed or suggested by the applied reference. Contrary to the Answer (at 10), the Specification does not merely disclose the re-arranging of displayed information. Nor does the repositioning or scrolling of a Web page as claimed fail to distinguish over the hidden objects described by Hekmatpour (e.g., col. 8, l. 56 - col. 9, l. 14), even though they may be deemed to move “forward onto the display screen” (Answer 11).

The decision of the Examiner is reversed.

REVERSED

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